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April 24, 2015

Oral deposition of ANITA MAE

SMITH-JOHNSON, held at the Homewood Suites, 1200
Pennbrook Parkway, Lansdale, Pennsylvania 19446,
before Debra Sapio Lyons, a Registered Diplomat
Reporter, a Certified Realtime Reporter, a
Certified LiveNote Reporter, an Approved Reporter
of the United States District Court for the
Eastern District of Pennsylvania, a Certified
Court Reporter of the State of New Jersey, a
Notary Public of the States of New Jersey, New
York and the Commonwealth of Pennsylvania.

1
2 APPEARANCES:

3 MOTTA & KRENTS

4 BY: ANTHONY MOTTA, ESQUIRE

50 Broadway

New York, New York 10004

Counsel for Plaintiffs

7 MITCHELL SILBERBERG & KNUPP

8 BY: JEFFREY MOVIT, ESQUIRE

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Counsel for Defendants EMI Music

Publishing Management, LLC;

Warner/Chappell Music, Incorporated;

Sony/ATV Music Publishing, LLC;

Aubrey Drake Graham and Amazon

Digital Services, Incorporated

14 SHAPIRO ARATO & ISSERLES

15 BY: CYNTHIA ARATO, ESQUIRE

500 Fifth Avenue

New York, New York 10110

Counsel for Defendants Cash Money

records, Inc. And Universal

Recording

19
20 ALSO PRESENT:

21 RAYMOND E. JANIFER, SR.

1 Anita Mae Smith-Johnson

2 MR. MOVIT: So the parties have
3 agreed that we're going to start
4 Ms. Johnson's deposition this afternoon.
5 We'll get as much done as we can before
6 Ms. Johnson needs to leave --

7 THE WITNESS: Yes.

8 MR. MOVIT: -- for religious reasons.
9 We -- if it's not finished today, we will
10 have it on another day. We will reconvene
11 to finish it on a date that's convenient
12 for Ms. Johnson, for her lawyer and for us.

13 THE WITNESS: That's beautiful.
14 Thank you.

15 - - -

16 ANITA MAE SMITH-JOHNSON, having been
17 first duly sworn, was examined and
18 testified as follows:

19 - - -

20 E X A M I N A T I O N

21 - - -

22 BY MR. MOVIT:

23 Q. Good afternoon, Ms. Johnson.

24 A. Good afternoon.

25 Q. My name is Jeff Movit. We were

1 Anita Mae Smith-Johnson

2 the work that we just listened to, the Jimmy Smith
3 Rap?

4 A. No. We knew that that would be out
5 sometime or other as far as I knew. And he -- he
6 didn't care if it didn't really because he didn't
7 like doing it to begin with.

8 Q. He didn't like doing the Jimmy Smith
9 Rap?

10 A. No.

11 Q. Did someone ask him to do it, do you
12 know?

13 A. Uh-huh.

14 Q. Who asked him to?

15 A. Of course. I don't know who asked
16 him.

17 Q. But it wasn't -- it wasn't his idea
18 to do the Jimmy Smith Rap?

19 A. I don't know if it was his idea or
20 not. I don't want to make statements that I
21 can't be sure of. That's not my thing.

22 Q. Right. No, we only want you to
23 testify about what you know --

24 A. Right.

25 Q. -- and what you remember.

1 Anita Mae Smith-Johnson

2 A. And that's all I'm going to do.

3 Q. Ms. Johnson, is it fair to say that
4 you were not present when the Jimmy Smith Rap was
5 recorded?

6 A. That I was not present?

7 Q. You were not present --

8 A. No.

9 Q. -- when it was recorded?

10 A. No, I was not present.

11 MR. MOVIT: Our next exhibit will be
12 Exhibit F.

13 (Exhibit Defendant's F, two-page
14 letter from Conway & Associates, P.C.,
15 Certified Public Accountants dated July 30,
16 2009, was previously marked for
17 identification.)

18 BY MR. MOVIT:

19 Q. If you would just please take a
20 moment to look at the document, Ms. Johnson.

21 A. (The Witness Complies With the
22 Request of Counsel.)

23 PROFESSOR JANIFER: Excuse me. I'm
24 just going to step out to get a cell phone
25 wire.

1 Anita Mae Smith-Johnson

2 past royalties and future royalties" --

3 A. Uh-huh.

4 Q. -- "and also to assist in
5 challenging claims that are not proper."

6 Has Dr. Janifer been employed by the
7 Estate of Jimmy Smith?

8 A. Yes.

9 Q. Okay. Do you recall when he was
10 first employed approximately?

11 A. No, not by date, no, I don't even
12 want to say that. I just started asking him to
13 help me and finally decided that I needed his
14 help on a basis that I could count on in a
15 continuous way.

16 Q. Is there -- is there an -- is there
17 a written employment agreement for Dr. Janifer to
18 assist with the estate?

19 A. Is there what?

20 Q. A written employment agreement?

21 A. Yes, we have an agreement.

22 Q. Okay.

23 MR. MOVIT: I ask, again, that that
24 be produced.

25 (Request for documents.)

1 Anita Mae Smith-Johnson

2 MR. MOTTA: We'll take it under
3 advisement.

4 BY MR. MOVIT:

5 Q. Do you recall -- Ms. Johnson, do you
6 recall the approximate date when that agreement is
7 signed?

8 A. No. Uh-uh.

9 Q. Is --

10 A. It was -- no.

11 Q. Okay. Is Dr. Janifer still employed
12 by the estate?

13 A. Yes.

14 Q. Okay. What work -- what types of
15 work has Dr. Janifer done for the estate in
16 connection with his employment by the estate?

17 A. He's responded to letters and
18 questions and spoke to people by telephone for me
19 with me sitting like I am with her. They ask
20 questions, he asks me. And I say -- ask him, you
21 know, and we -- we discuss it, make our decision.
22 And I tell him what I want him to do in reference
23 to that.

24 Q. Okay. Has Dr. Janifer been paid by
25 the estate for his work for the estate?

1 Anita Mae Smith-Johnson
2 a lawyer thing, but I move to strike as
3 non-responsive.

4 THE WITNESS: Hum?

5 MS. ARATO: She didn't answer the
6 question why.

7 THE WITNESS: Oh.

8 MR. MOTTA: Oh, well, she did answer
9 the question why 20 minutes ago when it was
10 asked then.

11 BY MR. MOVIT:

12 Q. I'll ask it again. Is there a
13 reason why you didn't sign Page 197 yourself,
14 ma'am?

15 MR. MOTTA: Objection. It's asked
16 and answered.

17 A. I didn't say I was completely sure
18 that I didn't sign it.

19 Q. Could you please look at Exhibit S,
20 please.

21 A. S?

22 Q. Yeah, you don't have it yet.

23 A. No, uh-uh.

24 Q. Ms. Johnson, you don't have it yet.
25 (Exhibit Defendant's S, multipage

1 Anita Mae Smith-Johnson
2 document entitled Co-Publishing Agreement
3 document, was previously marked for
4 identification.)

5 THE WITNESS: (Reviewing document.)

6 BY MR. MOVIT:

7 Q. Please let me know when you're done
8 reviewing.

9 A. Uh-huh.

10 (Reviewing document.)

11 49 to 64?

12 Q. Sorry. What was your question?

13 A. You want me to read from --

14 Q. My -- my --

15 A. -- 149 to 64?

16 Q. Just to -- no, just -- my question
17 is just to the extent that you need to review it to
18 answer my question whether you've ever seen this
19 document before. That's my question at the moment.

20 A. I'm pretty sure I have, yes.

21 Q. Okay. If you would please look,
22 Ms. Johnson, at Page 161.

23 A. Uh-huh.

24 Q. You see there's two signatures on
25 this page?

1 Anita Mae Smith-Johnson

2 A. Uh-huh.

3 Q. The second signature --

4 A. Uh-huh.

5 Q. -- do you know who physically signed
6 this document?

7 A. I did at that time.

8 Q. Okay.

9 A. Uh-huh.

10 Q. And Page 163, if you'd look at it.

11 A. I think he did that one. I'm not
12 sure.

13 Q. Okay. Did there come a time where
14 someone asked you to personally sign the contract
15 with Hebrew Hustle as opposed to having your son
16 sign it?

17 A. No, no one has asked me. They asked
18 me does he have the -- does he have my
19 permission. That's what people ask me: Does he
20 have permission to sign the paper that you're
21 going to send back or the paper that you sent
22 back?

23 And it has only been because
24 sometimes I write in cursive and sometimes I do
25 almost a half write, half print.

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 - - -

5 ESTATE OF JAMES OSCAR SMITH:
and HEBREW HUSTLE, INC. :
6 Plaintiffs, :

7 vs. :

8 CASH MONEY RECORDS, INC., :
et al., :
9 Defendants. :

10 AUBREY DRAKE GRAHAM, :
Counterclaim Plaintiff, :

11 vs. :
12 :

HEBREW HUSTLE INC., :
13 Counterclaim Defendant, :
and STEPHEN HACKER, :

14 Additional Counterclaim : No. 14 CV 2703
Defendant. : (WHP) (RLE)

15 - - -
16 June 26, 2015
17 - - -

18 VOLUME II
19

20 Oral deposition of ANITA JOHNSON taken
21 pursuant to notice, held at 1737 Sumneytown
22 Pike, Lansdale, Pennsylvania 19446, commencing
23 at 10:13 a.m., on the above date, before
24 Jennifer P. Miller, RPR, CCR, CRR, and Notary
25 Public for the Commonwealth of Pennsylvania. Job No: 95025

1

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14 Management, LLC; Warner/Chappell Music,

15 Incorporated; Sony/ATV Music Publishing, LLC;

16 Aubrey Drake Graham and Amazon Digital

17 Services, Incorporated

18

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20 CYNTHIA ARATO, ESQUIRE

21 500 Fifth Avenue

22 New York, NY 10110

23 Counsel for Defendants, Cash Money Records,

24 Inc. and Universal Recording

25 ALSO PRESENT: Raymond E. Janifer, Sr.

1 ANITA JOHNSON

2 - - -

3 P R O C E E D I N G S

4 - - -

5 (It is hereby stipulated
6 and agreed by and among counsel that
7 reading, signing, sealing, filing and
8 certification are not waived; and that
9 all objections, except as to the form
10 of the questions, be reserved until the
11 time of trial.)

12 - - -

13 ANITA JOHNSON,

14 after having been first duly sworn, was
15 examined and testified as follows:

16 - - -

17 E X A M I N A T I O N

18 - - -

19 BY MR. MOVIT:

20 Q. Good morning, Ms. Johnson.

21 A. Good morning.

22 Q. Thank you for coming in today.

23 A. Uh-hum.

24 Q. So today we're going to continue
25 your deposition. Before I get started, I just

1 ANITA JOHNSON

2 money that's sent to the estate?

3 A. No. I do that, I handle all the
4 checks and cash that come in.

5 MR. MOVIT: Okay. I'm just going to
6 confer with Ms. Arato off the record. I
7 may not have any more questions.

8 - - -

9 (Whereupon, a short recess
10 was taken.)

11 - - -

12 BY MR. MOVIT:

13 Q. Okay. My next question,
14 Ms. Johnson, has nothing to do with the
15 documents in front of you.

16 A. Oh, okay.

17 Q. And, again, please don't speculate.

18 A. Uh-hum.

19 Q. I just want to know what you know or
20 don't know.

21 A. Right.

22 Q. Ms. Johnson, do you have any
23 knowledge of how the Jimmy Smith Rap was
24 created?

25 A. I think one of the guys that already

1 ANITA JOHNSON

2 tried to play with him before with their type
3 of music, which he didn't like, so I don't
4 know how they finally got together. Somehow
5 they had been at jazz sessions or something.
6 I'm not really sure.

7 So, no, let me say that. I'm
8 not going to speculate.

9 MR. MOVIT: Okay. Unless Mr. Motta
10 has any cross, I reserve the right to
11 redirect, and I'm going to hold the
12 deposition open in case there's any
13 subsequently produced relevant documents.

14 But other than that, I'm done.

15 Thank you very much for your time.

16 THE WITNESS: You're very welcome.

17 - - -

18 E X A M I N A T I O N

19 - - -

20 BY MR. MOTTA:

21 Q. Ms. Johnson, have you ever sent any
22 text messages from your phone?

23 A. No, I have attempted to, but no.

24 Q. But you receive text messages on
25 your phone?